

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COREY KEARN,

Plaintiff,

v.

LAKEWOOD POLICE DEPARTMENT, *et al.*,

Defendants.

No. C10-5334 RBL/KLS

ORDER TO AMEND OR SHOW CAUSE

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4. Under separate Order, the court has granted Plaintiff's application to proceed *in forma pauperis*.

On May 11, 2010, Mr. Kearn filed a proposed prisoner civil rights complaint. Dkt. 1. On May 21, 2010, Mr. Kearn filed an Amended Complaint. Dkt. 3. In his Amended Complaint, Mr. Kearn makes reference to information "already on record." Dkt. 3, p. 2. This reference is presumably to exhibits attached to his first proposed complaint. However, incorporation by reference to an earlier filed complaint does not bring the referenced materials within the amended complaint for the court's consideration.

ORDER TO AMEND OR SHOW CAUSE- 1

1 An amended complaint operates as a complete substitute for (rather than a mere
2 supplement to) the present complaint. In other words, an amended complaint supersedes the
3 original in its entirety, making the original as if it never existed. Therefore, reference to another
4 document is not an acceptable amendment. In addition, Mr. Kearn cannot proceed and the court
5 will not order service of two separate complaints. Mr. Kearn must include all of his factual
6 allegations, legal claims, exhibits and requests for relief in an amended complaint before the
7 court will order service.
8

9 Plaintiff shall file his amended complaint, setting forth all of his factual claims, causes of
10 action, claims for relief, and any exhibits, on or before **June 18, 2010**. Plaintiff is cautioned that
11 if an amended complaint is not timely filed or if Plaintiff fails to adequately address the issues
12 raised herein on or before **June 18, 2010**, the Court will recommend dismissal of this action as
13 frivolous.
14

15 The Clerk is directed to send Plaintiff the appropriate forms so that he may file an
16 amended complaint and to send to Plaintiff a copy of his original proposed complaint (Dkt. 1-2).
17

18 **DATED** this 26th day of May, 2010.

19
20 
21 Karen L. Strombom
22 United States Magistrate Judge
23
24
25
26